

108TH CONGRESS  
1ST SESSION

# S. 614

To amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

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## IN THE SENATE OF THE UNITED STATES

MARCH 13, 2003

Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. DEWINE, Mr. DODD, Ms. COLLINS, Ms. CANTWELL, Ms. LANDRIEU, Mrs. LINCOLN, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Child Protection/Alco-  
5       hol and Drug Partnership Act of 2003”.

1 **SEC. 2. CHILD PROTECTION/ALCOHOL AND DRUG PART-**  
 2 **NERSHIPS FOR CHILDREN.**

3 Part B of title IV of the Social Security Act (42  
 4 U.S.C. 620 et seq.) is amended by adding at the end the  
 5 following:

6 **“Subpart 3—Child Protection/Alcohol and Drug**  
 7 **Partnerships For Children**

8 **“SEC. 440. DEFINITIONS.**

9 “In this subpart:

10 “(1) ALASKA NATIVE ORGANIZATION.—The  
 11 term ‘Alaska Native Organization’ means any orga-  
 12 nized group of Alaska Natives eligible to operate a  
 13 Federal program under the Indian Self-Determina-  
 14 tion Act (25 U.S.C. 450f et seq.) or such group’s  
 15 designee.

16 “(2) ADMINISTRATIVE COSTS.—

17 “(A) IN GENERAL.—The term ‘administra-  
 18 tive costs’ means the costs for the general ad-  
 19 ministration of administrative activities, includ-  
 20 ing contract costs and all overhead costs.

21 “(B) EXCLUSION.—Such term does not in-  
 22 clude the direct costs of providing services and  
 23 costs related to case management, training,  
 24 technical assistance, evaluation, establishment,  
 25 and operation of information systems, and such

1           other similar costs that are also an integral  
2           part of service delivery.

3           “(3) ELIGIBLE STATE.—The term ‘eligible  
4           State’ means a State that submits a joint applica-  
5           tion from the State agencies that—

6                   “(A) includes a plan that meets the re-  
7                   quirements of section 442; and

8                   “(B) is approved by the Secretary for a 5-  
9                   year period after consultation with the Assist-  
10                  ant Secretary for the Administration for Chil-  
11                  dren and Families and the Administrator of the  
12                  Substance Abuse and Mental Health Services  
13                  Administration.

14           “(4) INDIAN TRIBE.—The term ‘Indian tribe’  
15           means any Indian tribe, band, Nation or other orga-  
16           nized group or community of Indians, including any  
17           Alaska Native Organization, that is recognized as el-  
18           igible for the special programs and services provided  
19           by the United States to Indians because of their sta-  
20           tus as Indians.

21           “(5) STATE.—

22                   “(A) IN GENERAL.—The term ‘State’  
23                   means each of the 50 States, the District of Co-  
24                   lumbia, and the territories described in sub-  
25                   paragraph (B).

1 “(B) TERRITORIES.—

2 “(i) IN GENERAL.—The territories de-  
3 scribed in this subparagraph are Puerto  
4 Rico, Guam, the United States Virgin Is-  
5 lands, American Samoa, and the Northern  
6 Mariana Islands.

7 “(ii) AUTHORITY TO MODIFY RE-  
8 QUIREMENTS.—The Secretary may modify  
9 the requirements of this subpart with re-  
10 spect to a territory described in clause (i)  
11 to the extent necessary to allow such a ter-  
12 ritory to conduct activities through funds  
13 provided under a grant made under this  
14 subpart.

15 “(6) STATE AGENCIES.—The term ‘State agen-  
16 cies’ means the State child welfare agency and the  
17 unit of State government responsible for the admin-  
18 istration of the substance abuse prevention and  
19 treatment block grant provided under subpart II of  
20 part B of title XIX of the Public Health Service Act  
21 (42 U.S.C. 300x–21 et seq.).

22 “(7) TRIBAL ORGANIZATION.—The term ‘tribal  
23 organization’ means the recognized governing body  
24 of an Indian tribe.

1 **“SEC. 441. GRANTS TO PROMOTE CHILD PROTECTION/AL-**  
2 **COHOL AND DRUG PARTNERSHIPS FOR CHIL-**  
3 **DREN.**

4 “(a) **AUTHORITY TO AWARD GRANTS.**—The Sec-  
5 retary may award grants to eligible States and directly  
6 to Indian tribes in accordance with the requirements of  
7 this subpart for the purpose of promoting joint activities  
8 among Federal, State, and local public child welfare and  
9 alcohol and drug abuse prevention and treatment agencies  
10 (and among child welfare and alcohol and drug abuse pre-  
11 vention and treatment agencies that are providing services  
12 to children in Indian tribes) that focus on families with  
13 alcohol or drug abuse problems who come to the attention  
14 of the child welfare system and are designed to—

15 “(1) increase the capacity of both the child wel-  
16 fare system and the alcohol and drug abuse preven-  
17 tion and treatment system to address comprehen-  
18 sively and in a timely manner the needs of such fam-  
19 ilies to improve child safety, family stability, and  
20 permanence; and

21 “(2) promote recovery from alcohol and drug  
22 abuse problems.

23 “(b) **NOTIFICATION.**—Not later than 60 days after  
24 the date a joint application is submitted by the State agen-  
25 cies or an application is submitted by an Indian tribe, the

1 Secretary shall notify a State or Indian tribe that the ap-  
2 plication has been approved or disapproved.

3 **“SEC. 442. PLAN REQUIREMENTS.**

4 “(a) CONTENTS.—Subject to subsection (c), the plan  
5 shall contain the following:

6 “(1) A detailed description of how the State  
7 agencies will work jointly to implement a range of  
8 activities to meet the alcohol and drug abuse preven-  
9 tion and treatment needs of families who come to  
10 the attention of the child welfare system and to pro-  
11 mote child safety, permanence, and family stability.

12 “(2) An assurance that the heads of the State  
13 agencies shall jointly administer the grant program  
14 funded under this subpart and a description of how  
15 they will do so.

16 “(3) A description of the nature and extent of  
17 the problem of alcohol and drug abuse among fami-  
18 lies who come to the attention of the child welfare  
19 system in the State, and of any plans being imple-  
20 mented to further identify and assess the extent of  
21 the problem.

22 “(4) A description of any joint activities already  
23 being undertaken by the State agencies in the State  
24 on behalf of families with alcohol and drug abuse  
25 problems who come to the attention of the child wel-

1       fare system (including any existing data on the im-  
 2       pact of such joint activities) such as activities relat-  
 3       ing to—

4               “(A) the appropriate screening and assess-  
 5       ment of cases;

6               “(B) consultation on cases involving alco-  
 7       hol and drug abuse;

8               “(C) arrangements for addressing con-  
 9       fidentiality and sharing of information;

10              “(D) cross training of staff;

11              “(E) co-location of services;

12              “(F) support for comprehensive treatment  
 13       programs for parents and their children; and

14              “(G) establishing priority of child welfare  
 15       families for assessment or treatment.

16              “(5)(A) A description of the joint activities to  
 17       be funded in whole or in part with the funds pro-  
 18       vided under the grant, including the sequencing of  
 19       the activities proposed to be conducted under the 5-  
 20       year funding cycle and the goals to be achieved dur-  
 21       ing such funding cycle. The activities and goals shall  
 22       be designed to improve the capacity of the State  
 23       agencies to work jointly to improve child safety, fam-  
 24       ily stability, and permanence for children whose fam-  
 25       ilies come to the attention of the child welfare sys-

1       tem and to promote their parents' recovery from al-  
2       cohol and drug abuse.

3               “(B) The description shall include a statement  
4       as to why the State agencies chose the specified ac-  
5       tivities and goals.

6               “(6) A description as to whether and how the  
7       joint activities described in paragraph (5), and other  
8       related activities funded with Federal funds, will ad-  
9       dress some or all of the following practices and pro-  
10      cedures:

11               “(A) Practices and procedures designed to  
12      appropriately—

13               “(i) identify alcohol and drug treat-  
14      ment needs;

15               “(ii) assess such needs;

16               “(iii) assess risks to the safety of a  
17      child and the need for permanency with re-  
18      spect to the placement of a child;

19               “(iv) enroll families in appropriate  
20      services and treatment in their commu-  
21      nities; and

22               “(v) regularly assess the progress of  
23      families receiving such treatment.

24               “(B) Practices and procedures designed to  
25      provide comprehensive and timely individualized



1 alcohol and drug abuse prevention and treat-  
2 ment services for families who come to the at-  
3 tention of the child welfare system that include  
4 a range of options that are available, accessible,  
5 and appropriate, and that may include the fol-  
6 lowing components:

7 “(i) Preventive and early intervention  
8 services for children of parents with alcohol  
9 and drug abuse problems that integrate al-  
10cohol and drug abuse prevention services  
11with mental health and domestic violence  
12services, and that recognize the mental,  
13emotional, and developmental problems the  
14children may experience.

15 “(ii) Prevention and early intervention  
16services for parents at risk for alcohol and  
17drug abuse problems.

18 “(iii) Comprehensive home-based, out-  
19patient, and residential treatment options.

20 “(iv) After-care support (both formal  
21and informal) for families in recovery that  
22promotes child safety and family stability.

23 “(v) Services and supports that focus  
24on parents, parents with their children,

1 parents' children, other family members,  
2 and parent-child interaction.

3 “(C) Elimination of existing barriers to  
4 treatment and to child safety and permanence,  
5 such as difficulties in sharing information  
6 among agencies and differences between the  
7 values and treatment protocols of the different  
8 agencies.

9 “(D) Effective engagement and retention  
10 strategies.

11 “(E) Pre-service and in-service joint train-  
12 ing of management and staff of child welfare  
13 and alcohol and drug abuse prevention and  
14 treatment agencies, and, where appropriate,  
15 judges and other court staff, to—

16 “(i) increase such individuals' aware-  
17 ness and understanding of alcohol and  
18 drug abuse and related child abuse and ne-  
19 glect;

20 “(ii) more accurately identify and  
21 screen alcohol and drug abuse and child  
22 abuse in families;

23 “(iii) improve assessment skills of  
24 both child abuse and alcohol and drug

1 abuse staff, including skills to assess risk  
2 to children's safety;

3 “(iv) increase staff knowledge of the  
4 services and resources that are available in  
5 such individuals' communities and appro-  
6 priate for such families; and

7 “(v) increase awareness of the impor-  
8 tance of permanence for children and the  
9 timelines for decisionmaking regarding per-  
10 manence in the child welfare system.

11 “(F) Progress in enhancing the abilities of  
12 the State agencies to improve the data systems  
13 of such agencies in order to monitor the  
14 progress of families, evaluate service and treat-  
15 ment outcomes, and determine which ap-  
16 proaches and activities are most effective.

17 “(G) Evaluation strategies to demonstrate  
18 the effectiveness of treatment and identify the  
19 aspects of treatment that have the greatest im-  
20 pact on families in different circumstances.

21 “(H) Training and technical assistance to  
22 increase the capacity within the State to carry  
23 out 1 or more of the activities described in this  
24 paragraph or related activities that are designed  
25 to expand prevention and treatment services

1           for, and staff training to assist families with al-  
2           cohol and drug abuse problems who come to the  
3           attention of the child welfare system.

4           “(7) A description of the jurisdictions in the  
5           State (including whether such jurisdictions are  
6           urban, suburban, or rural) where the joint activities  
7           will be provided, and the plans for expanding such  
8           activities to other parts of the State during the 5-  
9           year funding cycle.

10          “(8) A description of the methods to be used in  
11          measuring progress toward the goals identified  
12          under paragraph (5), including how the State agen-  
13          cies will jointly measure their performance in accord-  
14          ance with section 445, and how remaining barriers  
15          to meeting the needs of families with alcohol or drug  
16          abuse problems who come to the attention of the  
17          child welfare system will be assessed.

18          “(9) A description of what input was obtained  
19          in the development of the plan and the joint applica-  
20          tion from each of the following groups of individuals,  
21          and the manner in which each will continue to be in-  
22          volved in the proposed joint activities:

23                 “(A) Staff who provide alcohol and drug  
24                 abuse prevention and treatment and related

1 services to families who come to the attention  
2 of the child welfare system.

3 “(B) Advocates for children and parents  
4 who come to the attention of the child welfare  
5 and alcohol and drug abuse prevention and  
6 treatment systems.

7 “(C) Consumers of both child welfare and  
8 alcohol and drug abuse prevention and treat-  
9 ment services.

10 “(D) Direct service staff and supervisors  
11 from public and private child welfare and alco-  
12 hol and drug abuse prevention and treatment  
13 agencies.

14 “(E) Judges and court staff.

15 “(F) Representatives of the State agencies  
16 and private providers providing health, mental  
17 health, domestic violence, housing, education,  
18 and employment services.

19 “(G) A representative of the State agency  
20 in charge of administering the temporary assist-  
21 ance to needy families program funded under  
22 part A of this title.

23 “(10) An assurance of the coordination, to the  
24 extent feasible and appropriate, of the activities  
25 funded under a grant made under this subpart with

1 the services or benefits provided under other Federal  
2 or federally assisted programs that serve families  
3 with alcohol and drug abuse problems who come to  
4 the attention of the child welfare system, including  
5 health, mental health, domestic violence, housing,  
6 and employment programs, the temporary assistance  
7 to needy families program funded under part A of  
8 this title, other child welfare and alcohol and drug  
9 abuse prevention and treatment programs, and the  
10 courts.

11 “(11) An assurance that not more than 10 per-  
12 cent of expenditures under the plan for any fiscal  
13 year shall be for administrative costs.

14 “(12) An assurance that alcohol and drug  
15 treatment services provided at least in part with  
16 funds provided under a grant made under this sub-  
17 part shall be licensed, certified, or otherwise ap-  
18 proved by the appropriate State alcohol and drug  
19 abuse agencies, or in the case of an Indian tribe, by  
20 a State alcohol and drug abuse agency, the Indian  
21 Health Service, or other designated licensing agency.

22 “(13) An assurance that Federal funds pro-  
23 vided to the State under a grant made under this  
24 subpart will not be used to supplant Federal or non-  
25 Federal funds for services and activities provided as

1 of the date of the submission of the plan that assist  
 2 families with alcohol and drug abuse problems who  
 3 come to the attention of the child welfare system.

4 “(b) AMENDMENTS.—

5 “(1) IN GENERAL.—An eligible State or Indian  
 6 tribe may amend, in whole or in part, its plan at any  
 7 time through transmittal of a plan amendment.

8 “(2) 60-DAY APPROVAL DEADLINE.—A plan  
 9 amendment is considered approved unless the Sec-  
 10 retary notifies an eligible State or Indian tribe in  
 11 writing, within 60 days after receipt of the amend-  
 12 ment, that the amendment is disapproved (and the  
 13 reasons for disapproval) or that specified additional  
 14 information is needed.

15 “(c) REQUIREMENTS FOR APPLICATIONS BY INDIAN  
 16 TRIBES.—

17 “(1) IN GENERAL.—In order to be eligible for  
 18 a grant made under this subpart, an Indian tribe  
 19 shall—

20 “(A) submit a plan to the Secretary that  
 21 describes—

22 “(i) the activities the tribe will under-  
 23 take with both child welfare and alcohol  
 24 and drug agencies that serve the tribe’s  
 25 children to address the needs of families

1           who come to the attention of the child wel-  
 2           fare agencies and have alcohol and drug  
 3           problems; and

4           “(ii) whether and how such activities  
 5           address any of the practice and policy  
 6           areas described in subsection (a)(6); and

7           “(B) subject to paragraph (2), meet the  
 8           other requirements of subsection (a) unless,  
 9           with respect to a specific requirement of such  
 10          subsection, the Secretary determines that it  
 11          would be inappropriate to apply such require-  
 12          ment to an Indian tribe, taking into account the  
 13          resources, needs, and other circumstances of  
 14          the Indian tribe.

15          “(2) ADMINISTRATIVE COSTS; USE OF FEDERAL  
 16          FUNDS.—Paragraphs (11) and (13) of subsection  
 17          (a) shall not apply to a plan submitted by an Indian  
 18          tribe. The indirect cost rate agreement in effect for  
 19          an Indian tribe shall apply with respect to adminis-  
 20          trative costs under the tribe’s plan.

21          “(3) AUTHORITY FOR INTERTRIBAL CONSOR-  
 22          TIUM.—The participating Indian tribes of an inter-  
 23          tribal consortium may develop and submit a single  
 24          plan that meets the applicable requirements of sub-



1 section (a) (as so determined by the Secretary) and  
 2 paragraph (1) of this subsection.

3 **“SEC. 443. APPROPRIATION OF FUNDS.**

4 “(a) APPROPRIATIONS.—For the purpose of pro-  
 5 viding allotments to eligible States and Indian tribes under  
 6 this subpart and research and training under subsection  
 7 (b)(3), there is appropriated out of any money in the  
 8 Treasury not otherwise appropriated—

9 “(1) for fiscal year 2004, \$200,000,000;

10 “(2) for fiscal year 2005, \$275,000,000;

11 “(3) for fiscal year 2006, \$375,000,000;

12 “(4) for fiscal year 2007, \$475,000,000; and

13 “(5) for fiscal year 2008, \$575,000,000.

14 “(b) RESERVATION OF FUNDS.—With respect to a  
 15 fiscal year:

16 “(1) TERRITORIES.—The Secretary shall re-  
 17 serve 2 percent of the amount appropriated under  
 18 subsection (a) for such fiscal year for payments to  
 19 Puerto Rico, Guam, the United States Virgin Is-  
 20 lands, American Samoa, and the Northern Mariana  
 21 Islands.

22 “(2) INDIAN TRIBES.—The Secretary shall re-  
 23 serve not less than 3 nor more than 5 percent of the  
 24 amount appropriated under subsection (a) for such  
 25 fiscal year for direct payments to Indian tribes and

1 Indian tribal organizations for activities intended to  
2 increase the capacity of the Indian tribes and tribal  
3 organizations to expand treatment, services, and  
4 training to assist families with alcohol and drug  
5 abuse problems who come to the attention of the  
6 child welfare agencies.

7 “(3) RESEARCH AND TRAINING.—

8 “(A) IN GENERAL.—Subject to subpara-  
9 graph (B), the Secretary shall reserve 1 percent  
10 of the amount appropriated under subsection  
11 (a) for such fiscal year for practice-based re-  
12 search on the effectiveness of various ap-  
13 proaches for the screening, assessment, engage-  
14 ment, treatment, retention, and monitoring of  
15 families with alcohol and drug abuse problems  
16 who come to the attention of the child welfare  
17 system, and for training of staff in such areas  
18 and shall ensure that a portion of such amount  
19 is used for research on the effectiveness of these  
20 approaches for Indian children and for the  
21 training of staff serving children from the In-  
22 dian tribes.

23 “(B) DETERMINATION OF USE OF  
24 FUNDS.—Funds reserved under subparagraph  
25 (A) may only be used to carry out a research

1 agenda that addresses the areas described in  
 2 such subparagraph and that is established by  
 3 the Secretary, together with the Assistant Sec-  
 4 retary for the Administration for Children and  
 5 Families and the Administrator of Substance  
 6 Abuse and Mental Health Services Administra-  
 7 tion, with input from public and private non-  
 8 profit providers, consumers, representatives of  
 9 Indian tribes, and advocates, as well as others  
 10 with expertise in research in such areas.

11 **“SEC. 444. PAYMENTS TO ELIGIBLE STATES AND INDIAN**  
 12 **TRIBES.**

13 “(a) AMOUNT OF GRANT.—

14 “(1) ELIGIBLE STATES OTHER THAN TERRI-  
 15 TORIES.—

16 “(A) IN GENERAL.—From the amount ap-  
 17 propriated under subsection (a) of section 443  
 18 for a fiscal year, after the reservation of funds  
 19 required under subsection (b) of that section for  
 20 the fiscal year and subject to subparagraphs  
 21 (B) and (C), the Secretary shall pay to each eli-  
 22 gible State (after the Secretary has determined  
 23 that the State has satisfied the matching re-  
 24 quirement under subsection (b)) an amount  
 25 that bears the same ratio to such amount for

1           such fiscal year as the number of children  
 2           under the age of 18 that reside in the eligible  
 3           State bears to the total number of children  
 4           under the age of 18 who reside in all such eligi-  
 5           ble States for such fiscal year.

6           “(B) MINIMUM ALLOTMENT.—In no case  
 7           shall the amount of a payment to an eligible  
 8           State for a fiscal year be less than an amount  
 9           equal to 0.5 percent of the amount appropriated  
 10          under subsection (a) of section 443 for the fis-  
 11          cal year, after the reservation of funds required  
 12          under subsection (b) of that section.

13          “(C) PRO RATA REDUCTIONS.—The Sec-  
 14          retary shall make pro rata reductions in the  
 15          amounts of the allotments determined under  
 16          subparagraph (A) for a fiscal year to the extent  
 17          necessary to comply with subparagraph (B).

18          “(2) TERRITORIES.—From the amounts re-  
 19          served under section 443(b)(1) for a fiscal year, the  
 20          Secretary shall pay to each territory described in  
 21          section 440(5)(B) with an approved plan that meets  
 22          the requirements of section 442 (after the Secretary  
 23          has determined that the territory has satisfied the  
 24          matching requirement under subsection (b)) an  
 25          amount that bears the same ratio to such amount

1 for such fiscal year as the number of children under  
2 the age of 18 that reside in the territory bears to  
3 the total number of children under the age of 18  
4 who reside in all such territories for such fiscal year.

5 “(3) INDIAN TRIBES OR TRIBAL ORGANIZA-  
6 TIONS.—From the amount reserved under section  
7 443(b)(2) for a fiscal year, the Secretary shall pay  
8 to each Indian tribe with an approved plan that  
9 meets the requirements of section 442(c) (after the  
10 Secretary has determined that the Indian tribe has  
11 satisfied the matching requirement under subsection  
12 (b)) an amount that bears the same ratio to such re-  
13 served amount for such fiscal year as the number of  
14 children under the age of 18 in the Indian tribe  
15 bears to the total number of children under the age  
16 of 18 in all Indian tribes with plans so approved for  
17 such fiscal year, as determined by the Secretary on  
18 the basis of the most current and reliable informa-  
19 tion available to the Secretary. For purposes of mak-  
20 ing the allocations required under the preceding sen-  
21 tence, an Indian tribe may submit data and other in-  
22 formation that it has on the number of Indian chil-  
23 dren under the age of 18 for consideration by the  
24 Secretary.

25 “(b) MATCHING REQUIREMENT.—

1           “(1) IN GENERAL.—In order to receive a grant  
 2           under this subpart for a fiscal year, an eligible State  
 3           or Indian tribe shall provide through non-Federal  
 4           contributions the applicable percentage determined  
 5           under paragraph (2) for such fiscal year of the costs  
 6           of conducting activities funded in whole or in part  
 7           with funds provided under the grant. Such contribu-  
 8           tions shall be paid jointly by the State agencies, in  
 9           the case of an eligible State, or by an Indian tribe.

10           “(2) APPLICABLE PERCENTAGE.—For purposes  
 11           of paragraph (1), the applicable percentage for an  
 12           eligible State or Indian tribe for a fiscal year is—

13                   “(A) 15 percent, in the case of fiscal years  
 14                   2004 and 2005;

15                   “(B) 20 percent, in the case of fiscal years  
 16                   2006 and 2007; and

17                   “(C) 25 percent, in the case of fiscal year  
 18                   2008.

19           “(3) SOURCE OF MATCH.—

20                   “(A) ELIGIBLE STATES.—The non-Federal  
 21                   contributions required of an eligible State under  
 22                   this subsection may be in cash or in kind, fairly  
 23                   evaluated, including plant, equipment, or serv-  
 24                   ices. The contributions may be made directly or  
 25                   through donations from public or private enti-

ties. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government may not be included in determining whether an eligible State has provided the applicable percentage of such contributions for a fiscal year.

“(B) INDIAN TRIBES.—With respect to an Indian tribe, such contributions may be made in cash, through donated funds, through non-public third party in kind contributions, or from Federal funds received under any of the following provisions of law:

“(i) The Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

“(ii) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(iii) Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

“(4) WAIVER.—

“(A) ELIGIBLE STATES.—In the case of an eligible State, the Secretary, after consultation with the Assistant Secretary for the Administration for Children and Families and the Ad-

1           ministrator of the Substance Abuse and Mental  
2           Health Services Administration, may modify the  
3           applicable percentage determined under para-  
4           graph (2) for matching funds if the Secretary  
5           determines that economic conditions in the eli-  
6           gible State justify making such modification.

7           “(B) INDIAN TRIBES.—In the case of an  
8           Indian tribe, the Secretary may modify the ap-  
9           plicable percentage determined under such  
10          paragraph if the Secretary determines that it  
11          would be inappropriate to apply to the Indian  
12          tribe, taking into account the resources and  
13          needs of the tribe and the amount of funds the  
14          tribe would receive under a grant made under  
15          this section.

16          “(c) USE OF FUNDS.—Funds provided under a grant  
17          made under this subpart may only be used to carry out  
18          activities specified in the plan, as approved by the Sec-  
19          retary.

20          “(d) DEADLINE FOR REQUEST FOR PAYMENT.—An  
21          eligible State or Indian tribe shall apply to be paid funds  
22          under a grant made under this subpart not later than the  
23          beginning of the fourth quarter of a fiscal year or such  
24          funds shall be reallocated under subsection (f).



1       “(e) CARRYOVER OF FUNDS.—Funds paid to an eli-  
 2       gible State or Indian tribe under a grant made under this  
 3       subpart for a fiscal year may be expended in that fiscal  
 4       year or the succeeding fiscal year.

5       “(f) REALLOTMENT OF FUNDS.—

6               “(1) ELIGIBLE STATES.—In the case of an eli-  
 7       gible State that does not apply for funds allotted to  
 8       the eligible State under a grant made under this  
 9       subpart for a fiscal year within the time provided  
 10      under subsection (d), or that does not expend such  
 11      funds during the time provided under subsection (e),  
 12      the funds which the eligible State would have been  
 13      entitled to for such fiscal year shall be reallocated to  
 14      1 or more other eligible States on the basis of each  
 15      such State’s relative need for additional payments,  
 16      as determined by the Secretary, after consultation  
 17      with the Assistant Secretary for the Administration  
 18      for Children and Families and the Administrator of  
 19      the Substance Abuse and Mental Health Services  
 20      Administration.

21              “(2) INDIAN TRIBES.—In the case of an Indian  
 22      tribe that does not expend funds allotted to the tribe  
 23      during the time provided under subsection (e), the  
 24      funds to which the Indian tribe would have been en-  
 25      titled to for such fiscal year shall be reallocated to the

1 remaining Indian tribes that are implementing ap-  
 2 proved plans in amounts that are proportional to the  
 3 percentage of Indian children under the age of 18  
 4 in each such tribe.

5 **“SEC. 445. PERFORMANCE ACCOUNTABILITY; REPORTS**  
 6 **AND EVALUATIONS.**

7 “(a) PERFORMANCE MEASUREMENT.—

8 “(1) ESTABLISHMENT OF INDICATORS.—The  
 9 Secretary, in consultation with the Assistant Sec-  
 10 retary for the Administration for Children and Fam-  
 11 ilies, the Administrator of the Substance Abuse and  
 12 Mental Health Services Administration, Chief Exec-  
 13 utive Officers of a State or Territory, State legisla-  
 14 tors, State and local public officials responsible for  
 15 administering child welfare and alcohol and drug  
 16 abuse prevention and treatment programs, court  
 17 staff, consumers of the services, and advocates for  
 18 children and parents who come to the attention of  
 19 the child welfare system, shall, within 12 months of  
 20 the date of enactment of the Child Protection/Alco-  
 21 hol and Drug Partnership Act of 2003, establish in-  
 22 dicators that will be used to assess periodically the  
 23 performance of eligible States and Indian tribes in  
 24 using grant funds provided under this subpart to  
 25 promote child safety, permanence, and well-being

1 and recovery in families who come to the attention  
2 of the child welfare system.

3 “(2) COORDINATION.—The indicators estab-  
4 lished under paragraph (1) shall be based on and co-  
5 ordinated with the performance outcomes established  
6 for the child welfare system pursuant to section  
7 203(b) of the Adoption and Safe Families Act of  
8 1997 (42 U.S.C. 679b note) and the performance  
9 measures developed under subpart II of part B of  
10 title XIX of the Public Health Service Act (42  
11 U.S.C. 300x–21 et seq.) (relating to the substance  
12 abuse prevention and treatment block grant).

13 “(3) PURPOSE.—The indicators will be used to  
14 measure periodically the progress made by the State  
15 agencies and by child welfare and alcohol and drug  
16 abuse prevention and treatment agencies serving  
17 children in Indian tribes in the activities that such  
18 agencies jointly engage in with such grant funds. An  
19 eligible State or Indian tribe will be measured  
20 against itself, assessing progress over time against a  
21 baseline established at the time the grant activities  
22 were undertaken.

23 “(4) ILLUSTRATIVE EXAMPLES.—The indica-  
24 tors developed should address the range of activities  
25 that eligible States and Indian tribes have the option

1 of engaging in with such grant funds. Examples of  
2 the types of progress to be measured in the different  
3 areas of activity include the following:

4 “(A) Improving the screening and assess-  
5 ment of families who come to the attention of  
6 the child welfare system with alcohol and drug  
7 problems, so such families can be promptly re-  
8 ferred for appropriate treatment when nec-  
9 essary.

10 “(B) Increasing the availability of com-  
11 prehensive and timely individualized treatment  
12 for families with alcohol and drug problems who  
13 come to the attention of the child welfare sys-  
14 tem.

15 “(C) Increasing the number or proportion  
16 of families who, when they come to the atten-  
17 tion of the child welfare system with alcohol  
18 and drug problems, promptly enter appropriate  
19 treatment.

20 “(D) Increasing the engagement and re-  
21 tention in treatment of families with alcohol  
22 and drug problems who come to the attention  
23 of the child welfare system.

24 “(E) Decreasing the number of children  
25 who re-enter foster care after being returned to

1 families who had alcohol or drug problems when  
2 the children entered foster care.

3 “(F) Increasing the number or proportion  
4 of staff in both the public child welfare and al-  
5 cohol and drug abuse prevention and treatment  
6 agencies who have received training on the  
7 needs of families that come to the attention of  
8 the child welfare and alcohol and drug abuse  
9 prevention and treatment systems for help, and  
10 the help that can be provided to such families.

11 “(G) Increasing the proportion of parents  
12 who complete treatment for alcohol or drug  
13 abuse and show improvement in their pre-em-  
14 ployment or employment status.

15 “(5) DETERMINATION OF PROGRESS.—

16 “(A) INITIAL REPORT.—Not later than the  
17 end of the first fiscal year in which funds are  
18 received under a grant made under this sub-  
19 part, the State agencies in each eligible State  
20 that receives such funds, and the Indian tribes  
21 that receive such funds, shall submit to the Sec-  
22 retary a report on the activities carried out dur-  
23 ing the fiscal year with such funds. The report  
24 shall contain such information as the Secretary  
25 determines is necessary to provide an accurate

1 description of the activities conducted with such  
2 funds and of any changes in the use of such  
3 funds that are planned for the succeeding fiscal  
4 year.

5 “(B) USE OF INDICATORS.—As soon as  
6 possible after the establishment of indicators  
7 under paragraph (1), the State agencies and In-  
8 dian tribes shall conduct evaluations, directly or  
9 under contract, of their progress with respect to  
10 such indicators that are directly related to ac-  
11 tivities the eligible State or Indian tribe is en-  
12 gaging in with such grant funds and include in-  
13 formation on the evaluation in the reports to  
14 the Secretary required under subparagraphs  
15 (C) and (D). After the third year in which such  
16 activities are conducted, an eligible State or In-  
17 dian tribe shall include in the evaluation at  
18 least some indicators that address improve-  
19 ments in treatment for families with alcohol  
20 and drug problems who come to the attention  
21 of the child welfare system.

22 “(C) SUBSEQUENT REPORTS.—After the  
23 initial report is submitted under subparagraph  
24 (A), an eligible State or Indian tribe shall sub-  
25 mit to the Secretary, not later than June 30 of

each fiscal year thereafter in which the State or tribe carries out activities with grant funds provided under this subpart, a report on the application of the indicators established under paragraph (1) to such activities. The reports shall include an explanation regarding why the specific indicators used were chosen, how such indicators are expected to impact a child's safety, permanence, well-being, and parental recovery, and the results (as of the date of submission of the report) of the evaluation conducted under subparagraph (B).

“(D) FINAL REPORT.—Not later than September 30, 2008, each eligible State and Indian tribe with an approved plan under this part shall submit a final report on the evaluations conducted under subparagraph (B) and the progress made in achieving the goals specified in the plan of the State or Indian tribe.

“(E) FAILURE TO REPORT.—

“(i) IN GENERAL.—Subject to clause (ii), an eligible State or Indian tribe that fails to submit the reports required under this paragraph or to conduct the evaluation required under subparagraph (B) shall

not be eligible to receive grant funds provided under this subpart for the fiscal year following the fiscal year in which such State or Indian tribe failed to submit such report or conduct such evaluation.

“(ii) CORRECTIVE ACTION.—An eligible State or Indian tribe to which clause (i) applies may, notwithstanding such clause, receive grant funds under this subpart for a succeeding fiscal year if prior to September 30 of the fiscal year in which such failure occurred, the State agencies of the eligible State, or the Indian tribe, submit to the Secretary a plan to monitor and evaluate in a timely manner the activities conducted with such funds, and such plan is approved in a timely manner by the Secretary, after consultation with the Assistant Secretary for the Administration for Children and Families and the Administrator of the Substance Abuse and Mental Health Services Administration.

“(b) SECRETARIAL REPORTS AND EVALUATIONS.—

“(1) ANNUAL REPORTS.—On the basis of reports submitted under subsection (a), the Secretary,



1 in consultation with the Assistant Secretary for the  
2 Administration for Children and Families and the  
3 Administrator of the Substance Abuse and Mental  
4 Health Services Administration, shall report annu-  
5 ally, beginning on October 1, 2004, to the Com-  
6 mittee on Ways and Means of the House of Rep-  
7 resentatives and the Committee on Finance of the  
8 Senate on the joint activities conducted with funds  
9 provided under grants made under this subpart, the  
10 indicators that have been established, and the  
11 progress that has been made in addressing the needs  
12 of families with alcohol and drug abuse problems  
13 who come to the attention of the child welfare sys-  
14 tem and in achieving the goals of child safety, per-  
15 manence, and family stability.

16 “(2) EVALUATIONS.—Not later than 6 months  
17 after the end of each 5-year funding cycle under this  
18 subpart, the Secretary shall submit a report to the  
19 committees described in paragraph (1) that summa-  
20 rizes the results of the evaluations conducted by eli-  
21 gible States and Indian tribes under subsection  
22 (a)(5)(B), as reported by such States and Indian  
23 tribes in accordance with subparagraphs (C) and  
24 (D) of subsection (a)(5). The Secretary shall include  
25 in the report required under this paragraph rec-

1        ommendations for further legislative or administra-  
2        tive actions that are designed to assist children and  
3        families with alcohol and drug abuse problems who  
4        come to the attention of the child welfare system.”.

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